IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 651 of 2006

CHEMNA RAM
V/S
STATE & ORS.

Mr. SUDHEER SHARMA, for the appellant / petitioner

Date of Order : 23.1.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioner.

The petitioner seeks a direction to give allotment letter because 35% of the amount has been deposited on 23.7.1996. The petitioner also claims a direction to fix 15 instalment and to accept them accordingly without any interest thereon.

It would suffice to say, that vide Annexure-2 the petitioner was called upon to satisfy about his having deposited 35% of the price and interest. It was mentioned that the High Court in the order dt. 18.7.96 has directed the allottee to deposit remaining instalments, and therefore, the petitioner was called upon to satisfy, and inform as to how many instalments have been deposited so far, and was called upon to appear for this purpose on

30.6.1999. Then, vide Annexure-3 the petitioner had given in writing to the Assistant Commissioner Colonisation that he has deposited 35% amount and a copy of the same has been sent, and in view of the drought conditions the cattle stock and agriculture is very weak, therefore, he should be given six months time, so that after tiding over the drought he will deposit the instalments along with interest. The petitioner also invoked sympathy on account of being Scheduled Caste. Then, in Annexure-4 it was contended that when the petitioner appeared to deposit the amount, he was called upon to deposit the entire amount with interest, which was challenged by way of writ petition, and the High Court directed to deposit 35% which has been deposited on 23.7.1996, and the petitioner also prayed in the High Court for excusing payment of interest, and that interest may be recovered from the date when the office was reopened, and the petitioner wants to deposit outstanding amount with interest, which may be ordered to be deposited. Identical letters appear to have been given vide Annexure-5 and Annexure-6.

It is significant to note that there is nothing to show that any of these communications Annexures 4 to 8 was ever delivered to the addressee.

That apart the submission made was, that unless allotment letter is issued, the petitioner cannot deposit

the instalment, much less can he held liable for interest. In my view Annexure-3 and subsequent Annexures are complete answer, whereunder the petitioner has volunteered to deposit the instalment along with interest, and even today learned counsel did not offer that his client is at all ready to deposit any instalment that may have fallen due in this long period of six years, from Annexure-2. Likewise, learned counsel did not show any order of this Court, wherein the interest may have been excused, as alleged in various communications of the petitioner.

Thus I do not find any force in the writ petition. The same is, therefore, dismissed summarily.

(N P GUPTA),J.

/Sushil/